



**Sensitive Information
Withhold From Public Disclosure
Under 10 CFR § 2.390(a)(3)**

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July 31, 2009

Document Control Desk
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Duke Energy Carolinas, LLC
William States Lee III Nuclear Station - Docket Nos. 52-018 and 52-019
AP1000 Combined License Application for the
William States Lee III Nuclear Station Units 1 and 2
Response to Request for Additional Information
Ltr# WLG2009.08-01

Reference: Letter from L.M. Tello (NRC) to B.J. Dolan (Duke Energy), *Request for Additional Information Regarding the Environmental Review of the Combined License Application for William States Lee III Nuclear Station, Units 1 and 2*, dated January 21, 2009

This letter provides supplemental information to the Duke Energy response to the Nuclear Regulatory Commission's (NRC) request for the following additional information (RAI) item listed in the reference letter:

RAI 119, Terrestrial Ecology

Duke Energy requests that the report included as Attachment 119S-2 be withheld from public disclosure in accordance with the provisions of 10 CFR 2.390(a)(3).

The response to this NRC request is addressed in the enclosure which also identifies any associated changes that will be made in a future revision of the William States Lee III Nuclear Station application.

If you have any questions or need any additional information, please contact Peter S. Hastings at 980-373-7820.

Bryan J. Dolan
Vice President
Nuclear Plant Development

**Cover Letter Without Attachment 119S-2 Is
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Enclosure:

1. Supplemental Response to RAI 119, Terrestrial Ecology

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AFFIDAVIT OF BRYAN J. DOLAN

1. I am Vice President, Nuclear Plant Development, and as such have the responsibility for reviewing the information sought to be withheld from public disclosure in connection with this submittal and am authorized to apply for its withholding on behalf of Duke Energy Carolinas, LLC (Duke).
2. I am making this affidavit in accordance with the provisions of 10 CFR 2.390 of the regulations of the Nuclear Regulatory Commission (NRC) and in conjunction with Duke's application for withholding which accompanies this affidavit.
3. I have knowledge of the criteria used by Duke in designating information as sensitive, proprietary or confidential.
4. Pursuant to paragraph (a)(3) of 10 CFR 2.390, the following is furnished for consideration of the NRC in determining whether the information sought to be withheld from public disclosure should be withheld.
 - a. This information is of the type that would customarily be held in confidence by Duke. The information sought to be withheld from public disclosure contains the location of cultural resource and archaeological sites.
 - b. The information is protected from public disclosure in accordance with the provisions of 16 USC 470hh, Confidentiality of information concerning the nature and location of archaeological resources.
 - c. The information is transmitted to the NRC in confidence and under the provisions of 10 CFR 2.390; it is to be received in confidence by the NRC.



Bryan J. Dolan

(Continued)

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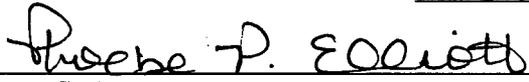
AFFIDAVIT OF BRYAN J. DOLAN

Bryan J. Dolan, being duly sworn, states that he is Vice President, Nuclear Plant Development, Duke Energy Carolinas, LLC, that he is authorized on the part of said Company to sign and file with the U. S. Nuclear Regulatory Commission this supplement to the combined license application for the William States Lee III Nuclear Station and that all the matter and facts set forth herein are true and correct to the best of his knowledge.



Bryan J. Dolan

Subscribed and sworn to me on July 31, 2009



Notary Public

My commission expires: June 26, 2011



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xc (wo/enclosure):

Loren Plisco, Deputy Regional Administrator, Region II
Stephanie Coffin, Branch Chief, DNRL
Robert Schaaf, Branch Chief, DSER

xc (w/enclosure):

Alicia Williamson, Project Manager, DSER
Brian Hughes, Senior Project Manager, DNRL

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Lee Nuclear Station Response to Request for Additional information (RAI)

RAI Letter Dated: January 21, 2009

Reference NRC RAI Number: ER RAI-119, Supplement

NRC RAI:

Provide a copy of the Duke reports and consultation letters, as they become available, that were submitted to Federal and State agencies, e.g., USACE, SCDNR, USFWS, SCDHEC, etc.

Duke Energy Response:

This supplemental response provides additional correspondence with the SC State Historic Preservation Office.

Copies of the following are provided with this response:

1. May 14, 2009 letter from Ms. C. Wilson approving the *Cultural Resources Survey of the Lee Nuclear Station Utilities Project, Cherokee County, South Carolina*.
2. Fletcher, J.N., et al.. 2009, *Cultural Resources Survey of the Lee Nuclear Station Utilities Project, Cherokee County, South Carolina*. (Updated to include Ms. C. Wilson's comments) **[Withhold from Public Disclosure Under 10 CFR § 2.309(a)(3)]**

Associated Revisions to the Lee Nuclear Station Combined License Application:

None

Associated Attachments:

- Attachment 119S-1 May 14, 2009 letter from Mr. C. Cantley to Mr. T. Bowling approving the *Cultural Resources Survey of the Lee Nuclear Station Utilities Project, Cherokee County, South Carolina*.
- Attachment 119S-2 Fletcher, J.N., et al.. 2009, *Cultural Resources Survey of the Lee Nuclear Station Utilities Project, Cherokee County, South Carolina*. (Updated to include Ms. C. Wilson's comments) **[Withhold from Public Disclosure Under 10 CFR § 2.309(a)(3)]**

Attachment 119S-1

May 14, 2009 letter from Mr. C. Cantley to Mr. T. Bowling approving the *Cultural Resources Survey of the Lee Nuclear Station Utilities Project, Cherokee County, South Carolina*

May 14, 2009

SHPO # 06-RD0163

Mr. Theodore Bowling
Environmental Project Manager
Nuclear Plant Development
EC09D/PO Box 1006
Charlotte, NC 28201-1006



Re: Cherokee Nuclear Facility/Lee Nuclear Plant, Cultural Resource Survey of the Lee Nuclear Station Utilities Project, Cherokee County, South Carolina

Dear Mr. Bowling:

Thank you for your letter of April 22, 2009, which we received on April 23, 2009, regarding the above-mentioned project. We also received a copy of Brockington and Associates' cultural resources report as supporting documentation for this undertaking. The State Historic Preservation Office is providing comments to Duke Energy pursuant to Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR 800.

Based on the description of the Area of Potential Effect (APE) and the identification of historic properties within the APE, our office concurs with the assessment that no newly discovered archaeological properties listed in or eligible for listing in the National Register of Historic Places will be affected by this project. Also, SHPO concurs with the recommendation that the proposed wastewater line will not have an adverse effect on the Ninety-Nine Islands Dam that is listed in the National Register of Historic Places.

If archaeological materials are encountered during construction, the procedures codified at 36 CFR 800.13(b) will apply. Archaeological materials consist of any items, fifty years old or older, which were made or used by man. These items include, but are not limited to, stone projectile points (arrowheads), ceramic sherds, bricks, worked wood, bone and stone, metal and glass objects, and human skeletal materials. The federal agency or the applicant receiving federal assistance should contact our office immediately.

If you have any questions, please contact me at (803) 896-6181 or ccantley@scdah.state.sc.us.

Sincerely,

Chuck Cantley, MA, RPA
Staff Archaeologist/GIS Coordinator
State Historic Preservation Office

cc: Ralph Bailey, Brockington and Associates